

REMARKS

Claims 1-20 are pending and subject to an appeal. Examiner Bayard initiated a telephonic interview to discuss potential allowance of the claims in the application. Examiner Bayard raised concerns about the patentability of the subject matter described in claims 9-16 and, in particular, the possibility that claims 9-16 are functional descriptive in accordance with MPEP 2106.1. Examiner Bayard argued that claims 9-16 may represent computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, which are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

Applicant argued that claims 9-16 describe interrelationships with elements of hardware. For instance, claim 9 includes a limitation of a dispatcher to copy the message to a working queue [from an inbound queue]. Applicant argues that a mere program listing cannot copy and that copying requires interaction with hardware. Examiner Bayard agreed that claims 9-16 are allowable.

Examiner Bayard also argued claims 1 and 17 were unpatentable under 35 USC § 112 because the limitations of removing and processing do not particularly pointing out and distinctly claim the subject matter which the applicant regards as the invention.

Applicant and Examiner agreed that the inclusion of the limitations above in claims 1 and 17 clarify the claims and place them in condition for allowance.

Applicant requests interview

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

CONCLUSION

Applicant respectfully addresses the objections and traverses the claim rejections raised during the interview with Examiner Bayard. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

No fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 090457 for any such required fee.

Respectfully submitted,

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Date

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